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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,648	02/24/2004	Timothy A. Rost	TI-36595	3709
23494	7590	08/23/2006	EXAMINER PHAM, LONG	
TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265			ART UNIT 2814	PAPER NUMBER

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/785,648	<b>Applicant(s)</b> ROST, TIMOTHY A.	
	<b>Examiner</b> Long Pham	<b>Art Unit</b> 2814	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 9-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

In light of the new ground of rejection, the finality of office action dated 01/23/06 has been withdrawn.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouyang et al. (US publication 2004/0256639) in combination with Lin et al. (US publication 2005/0035369), Yeo et al. (US publication 2005/009263), Chidambarrao et al. (US publication 2005/0164477), and Currie et al. (US publication 2004/0173812).

With respect to claim 9, Ouyang et al. teach a method of fabricating a semiconductor device comprising (see [0028] and [0083]):  
forming a PMOS devices on a semiconductor substrate with source to drain channel regions along a first crystallographic orientation axis of the semiconductor substrate;  
forming a NMOS devices on the semiconductor substrate with source to drain channel regions rotated by an offset angle from the source to drain channel regions of the PMOS devices lie along a second crystallographic orientation axis of the semiconductor substrate;  
applying a compressive strain longitudinally across the source to drain channel regions of the PMOS devices to improve hole mobility; and

applying a tensile strain longitudinally across the source to drain channel regions of the NMOS devices to improve electron mobility.

With respect to claim 10, Ouyang et al. further teach that the crystallographic orientation axis on which the PMOS devices are formed is  $\langle 110 \rangle$  and wherein the semiconductor substrate is silicon (see [0040]).

With respect to claim 11, Ouyang et al. further teach that the crystallographic orientation axis on which the NMOS devices are formed is  $\langle 100 \rangle$ .

With respect to claim 12, Ouyang et al. appear to teach the offset angle for the channel region of NMOS. See [0049].

Alternatively, it would have been obvious to one of ordinary skill in the art of making semiconductor devices to determine the workable or optimal value for the angle between channel region of NMOS devices and channel region of PMOS devices through routine experimentation and optimization to obtain optimal or desired device performance because it has been held that it is not inventive to discover the optimum or workable ranges of a result-effective variable within given prior art conditions by routine experimentation. See MPEP 2144.05.

With respect to claim 13, Ouyang et al. teach applying compressive strain to channel regions of PMOS devices but fail to teach the strain is uniaxial.

Lin et al. teach applying uniaxial compressive strain to improve hole mobility. See [0010].

It would have been obvious to one of ordinary skill in the art of making semiconductor devices to incorporate the teaching of Lin et al. into the method of Ouyang et al. to attain the above advantage.

With respect to claim 14, Ouyang et al. teach applying compressive strain to channel regions of PMOS devices but fail to teach the strain is biaxial.

Yeo et al. teach applying biaxial compressive strain to enhance hole mobility. See [0005].

It would have been obvious to one of ordinary skill in the art of making semiconductor devices to incorporate the teaching of Yeo et al. into the method of Ouyang et al. to attain the above advantage.

With respect to claim 15, Ouyang et al. teach applying compressive strain to channel regions of PMOS devices but fail to teach the application is done by recess etching and deposition of silicon-germanium epitaxial layer on the channel regions.

Yeo et al. teach applying compressive strain to the channel regions by recess etching and deposition of silicon-germanium epitaxial layer on the channel regions. See figs. 1-9 and associated text.

It would have been obvious to one of ordinary skill in the art of making semiconductor devices to incorporate the teaching of Yeo et al. into the method of Ouyang et al. to enhance carrier mobility. See [0008].

With respect to claim 16, Ouyang et al. teach applying tensile strain to the channel regions of NMOS devices but fail to teach the strain is biaxial.

Chidambarao et al. teach applying biaxial tensile strain to channel regions to enhance mobility. See [0004].

It would have been obvious to one of ordinary skill in the art of making semiconductor devices to incorporate the teaching of Chidambarao et al. into the method of Ouyang et al. to attain the above advantage.

With respect to claim 17, Ouyang et al. teach applying tensile strain to channel regions of NMOS devices but fail to teach the application is done by recess etching and deposition of carbon doped silicon layer on the channel regions.

Currie et al. teach applying tensile strain to the channel regions by recess etching and deposition of carbon doped silicon layer on the channel regions. See [0077].

It would have been obvious to one of ordinary skill in the art of making

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semiconductor devices to incorporate the teaching of Currie et al. into the method of Ouyang et al. to improve device performance. See [0009].

With respect to claim 18, Ouyang et al. further teach forming an interlayer dielectric layer 68 over the NMOS device. See fig. 9.

Further with respect to claim 9, Lin et al further teach forming lateral PMOS and NMOS on source, drain, and channel of the PMOS and NMOS within the substrate.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Long Pham whose telephone number is 571-272-1714. The examiner can normally be reached on Mon-Frid, 10am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on 571-272-1705. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Long Pham

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Primary Examiner

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